

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

Testimony of Mike Nussman

Mr. Chairman, I appreciate the opportunity to testify before the Subcommittee on behalf of the recreational fishing industry. My testimony today addresses the two versions of the Atlantic Highly Migratory Species Conservation Act, H.R. 3331 and 3390, legislation to prohibit pelagic longline fishing in certain areas of the U.S. Exclusive Economic Zone (EEZ), and the National Marine Fisheries Service's Proposed Rule regarding the same matter. My comments specifically address the buyout and conservation provisions outlined in the related bills and are endorsed by the American Sportfishing Association.

ASA is a non-profit trade organization whose members include fishing tackle manufacturers, boat builders, state fish and wildlife agencies, angler organizations, sport fishing retailers, and the outdoor media. For over 50 years, ASA and its predecessor organizations have promoted the conservation of fishery resources and environmental measures that improve the aquatic environment, in order to ensure the enjoyment of healthy fisheries by America's 50 million anglers.

Background

As vice president of ASA and the U.S. Recreational Commissioner to the International Commission for the Conservation of Atlantic Tunas (ICCAT), I am pleased to provide the committee with some thoughts on highly migratory species management. As you know, billfish and other large pelagic species are of extreme importance to recreational anglers and the sport fishing industry. Saltwater sport fishing, in addition to being a popular leisure activity, is also big business. In 1996, approximately 10 million Americans spent just over 100 million days fishing in saltwater. The economic impact of this activity exceeded eight and a half billion dollars at the retail level, accounted for the equivalent of 288,000 full-time jobs, and generated \$25 billion in overall economic output.

Many of these jobs and economic benefits are in jeopardy as stocks of saltwater big game fish are overfished. For example, blue and white marlin have been over-exploited Atlantic-wide for more than two decades. While some of these species may not be subject to a directed harvest by commercial fishermen, substantial numbers are caught as bycatch. Most of these saltwater game species are highly migratory, regularly passing in and out of the U.S. EEZ, making the problem not one the U.S. can effectively address alone.

Role of ICCAT

In 1966, the International Commission for the Conservation of Atlantic Tunas was formed to be the international body charged with management of HMS Atlantic-wide. Recognizing the need for international cooperation in the management of these species, the United States joined ICCAT as an active participant in 1975. Traditionally, U.S. fishermen catch only 29% of the North Atlantic swordfish quota established by

ICCAT. Fishermen from a host of foreign nations catch the remaining 71%. Therefore, even were we to discontinue all longline fishing in the U.S. EEZ, the stocks of swordfish and other HMS would still be in need of serious management measures.

ICCAT's past management efforts are not littered with success stories. As a result, most of the species for which ICCAT is responsible have seen steady declines. While serving as the U.S. Recreational Commissioner to ICCAT, I have been critical of these failures and, in fact, I was one of many skeptical that ICCAT would be able to stem the decline of swordfish. However, this past October, we witnessed a change. An international team of scientists reported that in response to previously mandated ICCAT quota cuts, swordfish stocks had begun to make the slow climb back up toward a sustainable status.

At this fall's ICCAT meeting in Brazil, the United States agreed to further reduce its swordfish quota for 2000 by 7%. There will be additional cuts in the subsequent two years of 10% and 12% from the 1999 quota level. The result is that ICCAT has established an international rebuilding plan for swordfish that should rebuild the stocks to MSY in around ten years. **Sustainable Fisheries Act**

The 1996 amendments to the Magnuson-Stevens Act called for a concerted effort to be made to reduce bycatch. As I see it, there are three ways in which such reductions can be accomplished. First, fishermen can fish in areas that have low concentrations of bycatch species. Second, fishermen can find methods to fish more selectively. Or third, the government can outlaw the gear responsible for the high levels of bycatch. The legislation under consideration today contemplates all three of these alternatives. H.R. 3331 and 3390 deal with the bycatch reduction methods outlined in options one and two. H.R. 3516 suggests that option three will best accomplish the goal.

Position of ASA

ASA's overriding goal in this effort is to improve sport fishing for pelagic saltwater game fish. One way this can be accomplished is by addressing the substantial bycatch of those species that occur in commercial longlining. As I stated, all of the legislative and administrative proposals up for consideration today take steps in this direction. However, only one, H.R. 3390, puts forth a comprehensive approach that maintains the support of a substantial number in the recreational and commercial fishing communities.

Summary of H.R. 3390, 3331 and 3516

H.R. 3390 proposes reducing bycatch in the commercial longline fleet with a three-tiered approach. First, the bill permanently closes the U.S. southeastern Atlantic waters to commercial longlining, with additional seasonal closures along virtually the entire length of the Gulf of Mexico. Secondly, it provides for the removal of approximately 70 vessels from the longline fishery through the buyout of their state and federal commercial fishing permits. Only those vessels affected by the permanent closure in the Atlantic will be eligible for the buyout. Finally, H.R. 3390 mandates increased monitoring and creation of an extensive bycatch reduction research program.

H.R. 3331 contains the same provisions as H.R. 3390 with the addition of a voluntary buyout of vessels in the mid-Atlantic Bight and a corresponding quota reduction based on the number of vessels that leave the fishery from that area.

H.R. 3516 would amend the Magnuson Act to ban the use of commercial longlines in the U.S. Atlantic EEZ.

Closed Areas

The areas closed in both versions of the legislation (H.R. 3331 and 3390) and the NMFS Proposed Rule represent large swaths of ocean where, based on an analysis of reported landings from commercial fishing logbooks, high bycatch of nontarget species (especially billfish) occurs in the commercial longline fishery. The actual areas closed differ only slightly in the Atlantic, but significantly in the Gulf.

Our concern centers on the NMFS proposed closure in the Gulf of Mexico. As only the western Gulf is closed, it is possible, if not likely, that there may be a move of longlining operations to the eastern Gulf, thereby significantly reducing the conservation benefits of the entire Gulf closed area. Further, unlike the Atlantic, there is no buyout proposed for the displaced vessels.

The closed areas outlined in H.R. 3331 and 3390 will have significant conservation benefits for many species of popular saltwater game fish. As a result of the closures, scientists estimate that longline bycatch in the U.S. EEZ will be reduced by as much as 47% for sailfish, 32% for blue marlin, 29% for spearfish, and 13% for white marlin. In addition, because H.R. 3331 and 3390 cover all species caught by pelagic longlines, unlike the NMFS Proposed Rule, additional benefits should be realized for sharks, wahoo, and mahi mahi among others.

Those critical of these legislative proposals have suggested that little commercial longline fishing actually occurs in the proposed closed areas and therefore, any associated conservation benefit would be minimal. At the same time, we have also heard the criticism that these areas are under such intense fishing pressure that once closed, considerable displacement will occur to areas outside the closed zones. I respectfully submit that these critics cannot have it both ways. In addressing the first point, I note that the NMFS Proposed Rule and H.R. 3331 and 3390 have identified virtually the same areas to be closed. This should be a strong indication that the closures are based on the best science available. My response to the second point is that displacement is certainly an issue of concern, but it is difficult to predict where and how much may occur. Nevertheless, H.R. 3331 and 3390 contain several provisions that help protect against any adverse effects from displacement including a buyout of commercial fishing permits along with increased monitoring and research of the remaining longline fleet.

Buyout

By offering to buy back all commercial fishing permits from many of the affected longliners in the Atlantic, H.R. 3331 and 3390 each address the displacement issue head on. Permanently removing approximately 70 vessels from the Atlantic longline fishery means that there are roughly one-third less vessels to move to other open areas. Meanwhile, the NMFS Proposed Rule actually encourages displacement of commercial effort outside the closed areas as it leaves the same number of vessels in the water, but forces them to fish in other areas. In fact, NMFS acknowledges that this displacement is likely to occur and would actually result in more bycatch of blue and white marlin (+5% and +6% respectively), sea turtles (+8%), BAYS tuna (+9%) and pelagic sharks (+6%). However, as Director Dalton has informed the Subcommittee, NMFS' hands are tied in this regard as it is not within their administrative powers to even suggest a buyout.

The legislative buyout is designed to compensate those commercial longliners who will have their livelihood taken away by the permanent closure in the southeastern Atlantic. To be eligible, a vessel must have directed at least 35% of its fishing effort within the permanently closed areas. In this way, only those vessels that have a significant impact on the resource will be removed. However, the buyout is based on a willing buyer, willing seller basis so the fishermen are in no way forced to accept the buyout. Thus far, about 50

vessels have expressed an interest in accepting the proposal to leave the commercial longline fishery forever.

Although the total price tag for the buyout is figured to be around \$25 million, ASA strongly supports the premise that those users of the resource who will benefit from the closures, primarily the commercial and recreational communities, will share in paying the cost. The total cost to the recreational community is estimated at \$5 million, roughly 20% of the entire program cost. It will be paid off through a \$25 permit required of recreational vessels fishing for HMS in the closed areas. This total recreational amount equates to about one dollar for each affected state saltwater recreational angler. This notion of user-pays/user-benefits is similar to the idea behind the Wallop-Breaux manufacturer's excise tax for sport fish restoration activities. ASA sees this contribution by the recreational fishing community for the commercial buyout outlined in H.R. 3390 as a worthy investment in our saltwater sport fisheries.

An example frequently used to discount the idea of a buyout surrounds the recent buyout of the New England groundfish fishery begun in 1994. It is true that these northeastern stocks remain severely depressed despite investments of million of dollars and management efforts including a buyout. However, there are several specific differences in the southeast that give us optimism that such a buyout contained in H.R. 3390 will turn out much more favorably.

The New England plan bought out the permits 79 commercial fishing vessels at a total cost of about \$30 million; figures roughly equal to the number outlined in H.R. 3390 and 3331. However, according to NMFS, the northeast fishery was comprised of approximately one thousand vessels fishing for groundfish, so removal of 79 vessels resulted in a fleet reduction of only about 8%. In the H.R. 3390 proposed buyout of longline fishers, nearly one-third of the entire fleet would be removed.

Secondly, the northeast groundfish buyout did not include any associated closed areas. This added measure included in H.R. 3390 should result in reduced pressure on those important target and nontarget species at critical locations and times of the year.

Lastly, New England groundfish populations at the time of the buyout were severely depressed. The buyout had little effect because the fishery was already so overcapitalized that such a small reduction of effort directed as such depleted populations was a case of too little too late. In the case at hand, the most recent ICCAT stock assessment indicated that Atlantic swordfish populations are on the rebound. These stocks are far from recovered, but the reduction in vessels in conjunction with the closed areas and ICCAT's quota cutback should ensure that swordfish and other associated recreational species have an opportunity to rebuild.

Another criticism that has been leveled against these proposals concerns the cost of the buyout. Some have complained that the buyout is too generous to the longliners. Others have stated that no one will accept the buyout. In my view, it is at least possible that one of these criticisms could be correct. However, I do not believe both can be accurate at the same time. The method used for determining cost of the vessel is tied directly to its catch history. What the bills attempt to do is fairly compensate the vessel owners for the vessel's permanent removal from commercial fishing. Conversely, should nobody accept the buyout, nothing has been lost, as the legislation requires acceptance of the buyout option before funds are spent.

Monitoring and Research

In addition to handling displaced effort by removing commercial vessels from the fishery, H.R. 3331 and

3390 require aggressive monitoring in the mid-Atlantic bight, an area where any possible displacement is likely to occur. This monitoring will be accomplished by increasing the level of observer coverage and mandating use of Vessel Monitoring Systems (VMS). Furthermore, the legislation mandates that NMFS take action should any such displacement be found to be adversely affecting recreational fishing. The NMFS proposed rule, however, does nothing to monitor where that displacement will occur or put in place provisions for addressing that displacement.

Also not included in the NMFS proposed rule, but is found in H.R. 3331 and 3390, is a mandated research program to increase data on the bycatch associated with commercial longline fishing. This three-year long research program, signed off on by the commercial longliners, conducted by NMFS, and funded in the legislation, will result in the most comprehensive scientific evidence about the sustainability of pelagic commercial longlining to date. In an area where scientific evidence is often hard to come by, this research program will provide the critical information for future management decisions.

Conclusion

H.R. 3390 represents an unprecedented case of the recreational and commercial fishing communities coming together for the good of the resource. Certainly, both sides have something to gain from this arrangement and this has been a source of criticism by some. The longliners that remain in the market will benefit from the removal of vessels and those fishermen that do accept the buyout will receive compensation. However, the gains for the resource and correspondingly for sport anglers will be large and should not be overshadowed by a few dissenters who are critical of any deal involving the commercial fishing industry. Finally, Mr. Chairman, I want to thank you for the leadership you have provided in this effort. I realize the controversial nature of this proposal; however, only through such a bold step will we make the progress necessary to restore our great saltwater sport fishing.

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